

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matters of)	
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)	
Inquiry Concerning the Deployment of Advanced)	
Telecommunications Capability to All Americans)	
in a Reasonable and Timely Fashion, and Possible)	GN Docket No. 09-137
Steps to Accelerate Such Deployment Pursuant to)	
Section 706 of the Telecommunications Act of)	
1996, as Amended by the Broadband Data)	
Improvement Act)	
)	
)	
A NATIONAL BROADBAND PLAN)	GN Docket No. 09-51
FOR OUR FUTURE)	

COMMENTS OF YOURTEL AMERICA, INC.

Comments

Over the past several months the discussion to provide universal access to Broadband has remained one of this nation's leading agenda items. YourTel America, Inc ("YourTel") thanks the Commission for this additional opportunity to refresh its comments and once again stress the importance of a fair and equal competitive Broadband market. YourTel continues to support in principle any idea that makes access to Broadband affordable for all Americans, especially YourTel's traditionally underserved consumers who remain behind the curve in Broadband adoption.

Our customers want what everyone else wants, but they only want it when they can afford it. To be used to its most effective capabilities, Broadband must exist in the home. While availability in Community Centers is a worthwhile asset and a great place for consumers to learn

about the Internet, it will never supplant the ability of the Internet to improve the consumer's life as effectively as will access in the home. For many Americans, the Internet is in an *information appliance* used frequently in everyday life.

Additionally, our customers live on very tight budgets and although Broadband is increasingly important in everyday life, it goes without saying that basic needs (food and shelter) have to come first. As such Broadband must be available in creative ways and more like a feature than a long-term service. Our customers must have the flexibility to buy basic communications when that is all they can afford and upgrade to Broadband when they are able. The current non-competitive environment is such that these consumers are forced into choosing either long-term agreements or having to purchase a multitude of services thus jeopardizing the affordability of Broadband.

In low-income areas deployment and adoption are two separate issues. Adoption is not only a matter of owning a computer, finding the Internet relevant and affording it but it is also a matter of being able to actually purchase the service without encumbrances and from a company with whom you can effectively transact business. Our customers need local personal service and attention in their neighborhoods along with convenient outlets for customer service and bill payment. These needs create a niche that can best be served by companies that focus on these needs. We and others have successfully met these needs for many years (fourteen years in the example of YourTel America) and we should be able to bring Broadband to our customers.

Ultimately, the only way any carrier can give top notch customer service and truly meet the needs of their consumers, is with their own network. A larger, more comprehensive network that reaches closer and closer to our customers is and always will be an aspiration for us but as of yet, the economics do not line up. We are hopeful that BTOP will be a catalyst but the

economics will only work in areas with existing customer concentrations due to the operational expenses of the network.

For that network to be successful many rules must get a review – such as forbearance, special access and copper loop retirement. But even before these, and in order to be successful and bring Broadband to everyone, we must have access to the existing networks, so we can avoid a repeat of the “build it and they will come” disasters of the past. This will allow companies like ours to expand the customer base before we build the network. This is clearly an advantage to all parties if done right – adding otherwise unobtainable revenues for incumbent carriers and opportunities for consumers that are tailored to their needs.

Specifically, YourTel addresses the following Commission questions. In paragraph 56 the Commission asks if tracking by “the rate of deployment by average income in an area is appropriate” for Broadband deployment evaluation. YourTel endorses this criteria without hesitation. YourTel, as a conscientious provider of service to low-income consumers, continues to experience first-hand the challenges of providing affordable Broadband to these communities and is in the unique position to witness daily the hardship and negative effects manifested by the lack of affordable access. We need only look to the current results to see that the networks exist, but the ability to purchase Broadband is not within the grasp of low-income consumers.

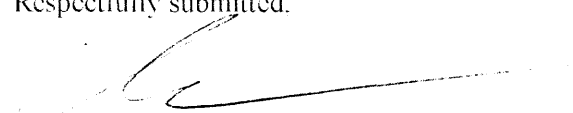
In response to the question in Paragraph 59, “...how can we best determine whether Broadband is being made available to low-income individuals in a reasonable and timely fashion?” YourTel echoes that a single Broadband provider to any particular zip code is just not an accurate measure of availability, adoption or use. A single ILEC or cable provider in no way makes Broadband amongst low income consumers a necessary service they can easily obtain nor retain.

retain.

Therefore, we recommend mandating the wholesale of dry loop/naked DSL and requiring the commingling of wholesale DSL with any underlying provider, regardless of how they purchase the service from the underlying carrier. With this the Commission has the ability to quickly enable wider access to broadband, ensure the current networks are utilized to their full potential and fulfill the principles Congress set out in the Telecommunications Act of 1996. Only then can the Commission begin to feel assured that broadband is being deployed in a 'reasonable and timely fashion.'

In conclusion, YourTel stresses that in this opportune moment, the Commission can easily, quickly and inexpensively expand broadband availability by supporting competition and creating a robust marketplace. For broadband to thrive, we must meet the needs of the consumer by infusing American innovation and creativity into the marketplace. Millions of Americans, most importantly among them low-income consumers and inner city core small businesses, can benefit from access to broadband once these innovative companies who understand their needs can competitively offer them a product they want and need but cannot currently obtain.

Respectfully submitted.



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